

REMARKS

***Summary of the Amendment***

Upon entry of the above amendment, claim 9 will have been canceled and claims 1, 37, 39 and 41 will have been amended. Accordingly, claims 1-3, 6-8, 10-25, 37-43 will be pending with claims 1, 37 and 39 being in independent form.

***Summary of the Official Action***

In the instant Office Action, the Examiner rejected claims 1-3, 6-24 and 37-43 as being indefinite. The Examiner also rejected claims 1-3, 6-24 and 37-43 over the art of record. By the present amendment and remarks, Applicant submits that the rejections have been overcome, and respectfully requests reconsideration of the outstanding Office Action and allowance of the present application.

***35 U.S.C. § 112, second paragraph, Rejection***

Claims 1-3, 6-24 and 37-43 were rejected under 35 U.S.C. § 112, second paragraph, for being allegedly indefinite.

The Examiner asserts that independent claims 1, 37 and 39 are indefinite because it is unclear if the control of the drum is positively recited. Applicant respectfully disagrees with this assertion of indefiniteness. Claim 1 recites a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum. Claim 37 similarly recites

a detection device that controls a rotation of the drum and detects the filter elements by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves. Claim 39 also similarly recites a detection device that controls a rotation of the drum and detects when the filter element is entering into one of the plurality of seat grooves by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves. It is clear from the claim language that the rotation of the drum is controlled by the detection device. However, contrary to the Examiner's assertions, Applicant is not required by Section 112, 2<sup>nd</sup> paragraph, to recite the structure for rotating the drum, e.g., a motor, as described in the instant specification.

The Examiner asserts that all of the pending claims are indefinite because it is unclear what is meant by lengthwise and crosswise. Applicant respectfully disagrees. These terms are well known in the art and would be understood by one having ordinary skill in the art having read the specification. This is all that is required by Section 112, 2<sup>nd</sup> paragraph. The term lengthwise axial direction means that the direction of conveyance of the filter element is a direction along an axis of the filter element and the term crosswise axial direction means a direction that is perpendicular to the axis of the filter element or the lengthwise axial direction.

The Examiner asserts that the pending claims are indefinite because it is unclear if the filter element magazine is positively recited. Applicant respectfully disagrees with this assertion of indefiniteness. Claims 1, 37 and 39 recites a filter element magazine in the

preamble and the filter element magazine in the body of the claims. As such, this feature is clearly and positively recited.

Finally, the Examiner asserts that Applicant has not set forth a structural relationship between the drum and the magazine. Applicant respectfully disagrees with this basis of indefiniteness. There is no requirement under 35 U.S.C. § 112, second paragraph, that each recited feature of a claim have an association or relationship to another recited feature, nor has the Examiner cited any basis in law to support such an assertion. Even if the Examiner were correct (which Applicant submits he is not), the pending claims recite an arrangement in which the drum feeds or conveys the filter elements to the filter element magazine. Thus, the Examiner's assertion is without legal basis and contradicted by the very claim language asserted to be indefinite.

Furthermore, Applicant submits that contrary to the Examiner's assertions, Applicant is not required under section 112, 2<sup>nd</sup> paragraph, to limit the invention to any particular cooperative relationship between the recited steps. To the extent that the Examiner relies upon MPEP 2172.01, the Examiner has misread MPEP 2172.01, which indicates that when it is indicated "by applicant" in the specification that certain features are essential to the invention, such features must be recited in the claims. The Examiner has identified no features which were indicated "by Applicant" to be critical and which are not recited in the claims.

Applicant respectfully submits that one having ordinary skill in the art, having read the specification, would have no difficulty understand the invention as recited in the claims, and the Examiner has not demonstrated otherwise.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of these claims under 35 U.S.C. § 112, second paragraph.

***Traversal of Rejections Under 35 U.S.C. § 103(a)***

**Over Kruse with Edwards and Molins**

Applicant respectfully traverses the rejection of claims 1-3, 6-10, 14-17, 21-24, 37, 39, 41 and 43 under 35 U.S.C. § 103(a) as unpatentable over US Patent No. 3,805,477 to KRUSE et al. in view of US Patent No. 2,649,761 to EDWARDS et al. and US Patent No. 3,062,588 to MOLINS et al.

The Examiner asserts that a combination of the teachings of KRUSE, EDWARDS and MOLINS discloses or suggest all of the features recites in the above-noted claims. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what each of these documents disclose or suggest, Applicant submits that no proper combination of these documents disclose or suggest: inter alia, a guide bearing and a channel structured and arranged to convey the filter elements in a lengthwise axial direction, the lengthwise axial direction being defined as a direction along an axis of the filter element, a rotatable drum comprising at least one seat for receiving a filter element conveyed to the drum via the guide bearing and the channel, the filter element being oriented in a lengthwise axial manner with respect to a conveying direction of the filter element, and a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum, as recited in amended independent claim 1;

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inter alia, a rotatable drum comprising a plurality of seat grooves for receiving a filter element, a detection device that controls a rotation of the drum and detects the filter elements by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves, and a mechanism that feeds the filter elements in a lengthwise axial manner past the detection device and then to one of the plurality of seat grooves of the drum, the lengthwise axial manner being defined as a direction along an axis of the filter element, as recited in independent claim 37; and inter alia, a rotatable drum comprising a plurality of seat grooves for receiving a filter element, a detection device that controls a rotation of the drum and detects when the filter element is entering into one of the plurality of seat grooves by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves, and a mechanism that feeds the filter elements in a lengthwise axial manner past the detection device and then to one of the plurality of seat grooves of the drum, the lengthwise axial manner being defined as a direction along an axis of the filter element, as recited in independent claim 39.

KRUSE does not disclose or suggest the recited features. The Examiner asserts that KRUSE teaches drums 5001 and 5002 having seats and a conveying device 5023 which conveys cigarettes stubs to a filter element magazine. This is both incorrect and beside the point. First, the Examiner is not correct that members 5001 and 5002 in KRUSE are drums. KRUSE describes member 5001 as a machine and not a drum. Instead, element 5003 in KRUSE is described as a drum (see col. 19, lines 35-37). Second, the so-called conveying device 5023 is merely disclosed as being a conveyor belt

which transfers the elements 5022 to a magazine 5004 in a crosswise axial manner (see col. 19m lines 53-57). In contrast, the claims recite that the filter elements are conveyed in a lengthwise axial manner to the drum.

EDWARDS does not cure the deficiencies of KRUSE and also does not disclose or suggest the recited features. The Examiner asserts that EDWARDS teaches a conveying device 5 which feeds cigarettes stubs in a lengthwise axial manner via transfer device 6 to an assembly drum 7. This is both incorrect and beside the point. While it is true that the belt 5 moves the stubs S in a lengthwise axial direction, EDWARDS teaches to do so only to the transfer device 6 and not to the drum 7. This is clear from Fig. 1. This distinction is not without a difference. As is a result of this arrangement, the transfer device 6 moves the stubs S in a crosswise axial direction to the drum 7 and not in a lengthwise axial direction. Thus, EDWARDS, like KRUSE, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS does not cure the deficiencies of KRUSE and EDWARDS, and also does not disclose or suggest the recited features. MOLINS teaches devices which feed filter elements from a hopper 50 to one or more drums 14 in a crosswise axial manner and then to a stub assembler 10 using a guide means 16. Thus, MOLINS, like KRUSE and EDWARDS, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claims 1, 37 and 39. Because KRUSE, EDWARDS and MOLINS each fails to disclose or suggest at least the above-

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noted features of the instant invention, Applicant submits that no proper combination of KRUSE, EDWARDS and MOLINS can render unpatentable the combination of features recited in at least independent claims 1, 37 and 39.

As the applied documents of record fail to show the above-noted features of the invention, Applicant submits no proper combination of these documents can render Applicant's invention obvious under 35 U.S.C. § 103(a).

Applicant also submits that the applied art fails to set forth sufficient instructions for one ordinarily skill in the art to modify KRUSE in view of EDWARDS and MOLINS in any manner which would render obvious Applicant's invention. While the Examiner, through conclusory statements, asserts obviousness, the Examiner has not provided any articulatable reason found in the applied art why one ordinarily skilled in the art would combine the art of record in the manner asserted. Therefore, Applicant submits that the invention as recited in at least independent claims 1, 37 and 39 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Finally, Applicant submits that dependent claims 2, 3, 6-10, 14-17, 21-24, 41 and 43 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of KRUSE, EDWARDS and MOLINS discloses or suggests, in combination: that the filter elements comprise filter rods as recited in claim 2; that the filter elements comprise rod-shaped filter elements as recited in claim 3; that the detection device comprises a light barrier as recited in claim 6; that the drum interacts with a mechanical element that causes a crosswise axial

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insertion of the filter elements into the filter element magazine as recited in claim 7; that the device further comprises a mechanism that causes a crosswise axial insertion of the filter elements into the filter element magazine as recited in claim 8; that the mechanism comprises at least one fixed element that conveys the filter elements to the drum as recited in claim 9; that the at least one seat comprises a plurality of seats as recited in claim 10; that the device further comprises a retaining mechanism which traps the filter element after the filter element is moved into the at least one seat as recited in claim 14; that the retaining mechanism is movably mounted as recited in claim 15; that the retaining mechanism can move away from the drum when the drum is rotated as recited in claim 16; that the drum is adapted to rotate before the filter element has reached a final position in the at least one seat as recited in claim 17; a filter element receiver station comprising the device of claim 1 as recited in claim 21; an arrangement for conveying filter elements to a filter element magazine, comprising at least one device according to claim 1 and the filter element magazine, wherein the at least one device is arranged outside the filter element magazine as recited in claim 22; that the at least one device comprises a plurality of devices as recited in claim 23; that the plurality of devices comprises three devices as recited in claim 24; that the at least one seat comprises a plurality of seat grooves; and that the detection device is structured and arranged to detect when the filter element is entering into one of the plurality of seat grooves.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.



Over Kruse with Edwards and Molins and either Bostelmann or Hinchliffe

Applicant respectfully traverses the rejection of claims 20, 38, 40 and 42 under 35 U.S.C. § 103(a) as unpatentable over KRUSE, EDWARDS and MOLINS and further in view of either US Patent No. 5,641,250 to BOSTELMANN et al. or US Patent No. 4,245,934 to HINCHCLIFFE et al.

The Examiner asserts that a combination of the teachings of the above-noted documents discloses or suggest all of the features recites in the above-noted claims. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what each of these documents disclose or suggest, Applicant submits that no proper combination of these documents disclose or suggest: inter alia, a guide bearing and a channel structured and arranged to convey the filter elements in a lengthwise axial direction, the lengthwise axial direction being defined as a direction along an axis of the filter element, a rotatable drum comprising at least one seat for receiving a filter element conveyed to the drum via the guide bearing and the channel, the filter element being oriented in a lengthwise axial manner with respect to a conveying direction of the filter element, and a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum, as recited in amended independent claim 1; inter alia, a rotatable drum comprising a plurality of seat grooves for receiving a filter element, a detection device that controls a rotation of the drum and detects the filter elements by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves, and a mechanism that feeds the filter

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elements in a lengthwise axial manner past the detection device and then to one of the plurality of seat grooves of the drum, the lengthwise axial manner being defined as a direction along an axis of the filter element, as recited in independent claim 37; and inter alia, a rotatable drum comprising a plurality of seat grooves for receiving a filter element, a detection device that controls a rotation of the drum and detects when the filter element is entering into one of the plurality of seat grooves by detecting when an end of a filter element has passed the detection device while being conveyed into one of the seat grooves, and a mechanism that feeds the filter elements in a lengthwise axial manner past the detection device and then to one of the plurality of seat grooves of the drum, the lengthwise axial manner being defined as a direction along an axis of the filter element, as recited in independent claim 39.

As explained above, KRUSE does not disclose or suggest the recited features. The Examiner asserts that KRUSE teaches drums 5001 and 5002 having seats and a conveying device 5023 which conveys cigarettes stubs to a filter element magazine. This is both incorrect and beside the point. First, the Examiner is not correct that members 5001 and 5002 in KRUSE are drums. KRUSE describes member 5001 as a machine and not a drum. Instead, element 5003 in KRUSE is described as a drum (see col. 19, lines 35-37). Second, the so-called conveying device 5023 is merely disclosed as being a conveyor belt which transfers the elements 5022 to a magazine 5004 in a crosswise axial manner (see col. 19m lines 53-57). In contrast, the claims recite that the filter elements are conveyed in a lengthwise axial manner to the drum.

EDWARDS does not cure the deficiencies of KRUSE and also does not disclose or suggest the recited features. The Examiner asserts that EDWARDS teaches a conveying device 5 which feeds cigarettes stubs in a lengthwise axial manner via transfer device 6 to an assembly drum 7. This is both incorrect and beside the point. While it is true that the belt 5 moves the stubs S in a lengthwise axial direction, EDWARDS teaches to do so only to the transfer device 6 and not to the drum 7. This is clear from Fig. 1. This distinction is not without a difference. As is a result of this arrangement, the transfer device 6 moves the stubs S in a crosswise axial direction to the drum 7 and not in a lengthwise axial direction. Thus, EDWARDS, like KRUSE, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS does not cure the deficiencies of KRUSE and EDWARDS, and also does not disclose or suggest the recited features. MOLINS teaches devices which feed filter elements from a hopper 50 to one or more drums 14 in a crosswise axial manner and then to a stub assembler 10 using a guide means 16. Thus, MOLINS, like KRUSE and EDWARDS, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

BOSTELMANN does not cure the above-noted deficiencies of KRUSE, EDWARDS and MOLINS. Figs. 2-3 of BOSTELMANN shows a device which feeds rod-shaped articles 3 from a drum 1 to a feeding mechanism or conveyor 21. It is clear from Figs. 2-3 that the elements 3 are fed radially (i.e., a crosswise axial movement) onto the drum 1 from hopper 16. Again, the invention, on the other hand, recites that the filter elements are conveyed in a lengthwise axial manner to the drum.

HINCHCLIFFE also does not cure the above-noted deficiencies of KRUSE, EDWARDS and MOLINS. Col. 3, lines 51-55 of HINCHCLIFFE discloses an arrangement which feeds rod-shaped articles 4 from a drum 60 to a feeding mechanism 6. Again, the invention, on the other hand, recites that the filter elements are conveyed in a lengthwise axial manner to the drum.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claims 1, 37 and 39. Because KRUSE, EDWARDS, MOLINS, BOSTELMANN and HINCHCLIFFE each fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS, BOSTELMANN and HINCHCLIFFE can render unpatentable the combination of features recited in at least independent claims 1, 37 and 39.

Furthermore, Applicant also submits that the applied art fails to set forth sufficient instructions for one ordinarily skill in the art to modify KRUSE in view of EDWARDS, MOLINS, BOSTELMANN and HINCHCLIFFE in any manner which would render obvious Applicant's invention. While the Examiner, through conclusory statements, asserts obviousness, the Examiner has not provided any articulatable reason found in the applied art why one ordinarily skilled in the art would combine the art of record in the manner asserted. Therefore, Applicant submits that the invention as recited in at least independent claims 1, 37 and 39 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Finally, Applicant submits that dependent claims 20, 38, 40 and 42 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS, BOSTELMANN and HINCHCLIFFE discloses or suggests, in combination: that the device further comprises an ejection mechanism adapted to eject defective filter elements as recited in claim 20; that the device further comprises an arrangement for removing the filter element or a portion of the filter element from one of the plurality of the seat grooves when the detection device determines that the filter element is found to be defective as recited in claim 38; that the device further comprises an arrangement for removing the filter element or a portion of the filter element from one of the plurality of the seat grooves when the detection device determines that the filter element is found to be defective as recited in claim 40; and that the device further comprises an arrangement for removing the filter element or a portion of the filter element from one of the plurality of the seat grooves when the detection device determines that the filter element is found to be defective as recited in claim 42.

Over Kruse, Edwards and Molins with Heitmann

Applicant respectfully traverses the rejection of claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over KRUSE, EDWARDS and MOLINS and further in view of US Patent No. 4,618,293 to HEITMANN.

The Examiner acknowledged that KRUSE, EDWARDS and MOLINS lacks, among  
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other things, the recited features of these claims. However, the Examiner asserted that the missing features are nevertheless taught in HEITMANN, and that it would have been obvious to modify KRUSE, EDWARDS and MOLINS to include the missing features allegedly disclosed in HEITMANN. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what each of these documents disclose or suggest, Applicant submits that no proper combination of these documents disclose or suggest: inter alia, a guide bearing and a channel structured and arranged to convey the filter elements in a lengthwise axial direction, the lengthwise axial direction being defined as a direction along an axis of the filter element, a rotatable drum comprising at least one seat for receiving a filter element conveyed to the drum via the guide bearing and the channel, the filter element being oriented in a lengthwise axial manner with respect to a conveying direction of the filter element, and a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum, as recited in amended independent claim 1.

As explained above, KRUSE does not disclose or suggest the recited features. The Examiner asserts that KRUSE teaches drums 5001 and 5002 having seats and a conveying device 5023 which conveys cigarettes stubs to a filter element magazine. This is both incorrect and beside the point. First, the Examiner is not correct that members 5001 and 5002 in KRUSE are drums. KRUSE describes member 5001 as a machine and not a drum. Instead, element 5003 in KRUSE is described as a drum (see col. 19, lines 35-37). Second, the so-called conveying device 5023 is merely disclosed as being a conveyor belt which transfers the elements 5022 to a magazine 5004 in a crosswise axial

manner (see col. 19m lines 53-57). In contrast, the claims recite that the filter elements are conveyed in a lengthwise axial manner to the drum.

EDWARDS does not cure the deficiencies of KRUSE and also does not disclose or suggest the recited features. The Examiner asserts that EDWARDS teaches a conveying device 5 which feeds cigarettes stubs in a lengthwise axial manner via transfer device 6 to an assembly drum 7. This is both incorrect and beside the point. While it is true that the belt 5 moves the stubs S in a lengthwise axial direction, EDWARDS teaches to do so only to the transfer device 6 and not to the drum 7. This is clear from Fig. 1. This distinction is not without a difference. As is a result of this arrangement, the transfer device 6 moves the stubs S in a crosswise axial direction to the drum 7 and not in a lengthwise axial direction. Thus, EDWARDS, like KRUSE, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS does not cure the deficiencies of KRUSE and EDWARDS, and also does not disclose or suggest the recited features. MOLINS teaches devices which feed filter elements from a hopper 50 to one or more drums 14 in a crosswise axial manner and then to a stub assembler 10 using a guide means 16. Thus, MOLINS, like KRUSE and EDWARDS, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

HEITMANN does not cure the above-noted deficiencies of KRUSE, EDWARDS and MOLINS. While Applicant acknowledges that the figure of HEITMANN shows a device which feeds rod-shaped articles 4 from station 1/A using conveyor pipes 3, the Examiner

has not explained how HEITMANN can be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 1. Because KRUSE, EDWARDS, MOLINS and HEITMANN each fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS and HEITMANN can render unpatentable the combination of features recited in at least independent claim 1.

Furthermore, Applicant also submits that the applied art fails to set forth sufficient instructions for one ordinarily skill in the art to modify KRUSE in view of EDWARDS, MOLINS and HEITMANN in any manner which would render obvious Applicant's invention. While the Examiner, through conclusory statements, asserts obviousness, the Examiner has not provided any articulatable reason found in the applied art why one ordinarily skilled in the art would combine the art of record in the manner asserted. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Additionally, Applicant submits that dependent claims 11-13 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS and HEITMANN discloses or suggests, in combination: that the device further comprises a



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braking element which engages the filter element as recited in claim 11; that the braking element acts to provide braking to the filter element once the filter element is moved into the at least one seat as recited in claim 12; and that the braking element acts to provide braking to the filter element as the filter element is moved into the at least one seat as recited in claim 13.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Over Kruse, Edwards and Molins '588 with Molins '239

Applicant respectfully traverses the rejection of claims 18 and 19 under 35 U.S.C. § 103(a) as unpatentable over KRUSE, EDWARDS and MOLINS '588 and further in view of US Patent No. 3,365,239 to MOLINS et al.

The Examiner acknowledged that KRUSE, EDWARDS and MOLINS '588 lacks, among other things, the recited features of these claims. However, the Examiner asserted that the missing features are nevertheless taught in MOLINS '239, and that it would have been obvious to modify KRUSE, EDWARDS and MOLINS '588 to include the missing features allegedly disclosed in MOLINS '239. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what each of these documents disclose or suggest, Applicant submits that no proper combination of these documents disclose or suggest: inter alia, a guide bearing and a channel structured and arranged to

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convey the filter elements in a lengthwise axial direction, the lengthwise axial direction being defined as a direction along an axis of the filter element, a rotatable drum comprising at least one seat for receiving a filter element conveyed to the drum via the guide bearing and the channel, the filter element being oriented in a lengthwise axial manner with respect to a conveying direction of the filter element, and a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum, as recited in amended independent claim 1.

As explained above, KRUSE does not disclose or suggest the recited features. The Examiner asserts that KRUSE teaches drums 5001 and 5002 having seats and a conveying device 5023 which conveys cigarettes stubs to a filter element magazine. This is both incorrect and beside the point. First, the Examiner is not correct that members 5001 and 5002 in KRUSE are drums. KRUSE describes member 5001 as a machine and not a drum. Instead, element 5003 in KRUSE is described as a drum (see col. 19, lines 35-37). Second, the so-called conveying device 5023 is merely disclosed as being a conveyor belt which transfers the elements 5022 to a magazine 5004 in a crosswise axial manner (see col. 19m lines 53-57). In contrast, the claims recite that the filter elements are conveyed in a lengthwise axial manner to the drum.

EDWARDS does not cure the deficiencies of KRUSE and also does not disclose or suggest the recited features. The Examiner asserts that EDWARDS teaches a conveying device 5 which feeds cigarettes stubs in a lengthwise axial manner via transfer device 6 to an assembly drum 7. This is both incorrect and beside the point. While it is true that the belt 5 moves the stubs S in a lengthwise axial direction, EDWARDS teaches to do so only

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to the transfer device 6 and not to the drum 7. This is clear from Fig. 1. This distinction is not without a difference. As is a result of this arrangement, the transfer device 6 moves the stubs S in a crosswise axial direction to the drum 7 and not in a lengthwise axial direction. Thus, EDWARDS, like KRUSE, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS does not cure the deficiencies of KRUSE and EDWARDS, and also does not disclose or suggest the recited features. MOLINS teaches devices which feed filter elements from a hopper 50 to one or more drums 14 in a crosswise axial manner and then to a stub assembler 10 using a guide means 16. Thus, MOLINS, like KRUSE and EDWARDS, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS '239 does not cure the above-noted deficiencies of KRUSE, EDWARDS, and MOLINS '588. While Applicant acknowledges that Figs. 1-4 of MOLINS '239 shows a device which feeds rod-shaped articles S from a hopper 100 to a drum 24 and then from the drum 24 using a conveyor pipe 1, the Examiner has not explained how MOLINS '239 can be read to disclose or suggest a detection device that controls a rotation of the drum and detects the filter elements in combination with the filter elements being conveyed in a lengthwise axial manner to the drum.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 1. Because KRUSE, EDWARDS, MOLINS '588 and MOLINS '239 each fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination

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of KRUSE, EDWARDS, MOLINS '588 and MOLINS '239 can render unpatentable the combination of features recited in at least independent claim 1.

Furthermore, Applicant also submits that the applied art fails to set forth sufficient instructions for one ordinarily skill in the art to modify KRUSE in view of EDWARDS, MOLINS '588 and MOLINS '239 in any manner which would render obvious Applicant's invention. While the Examiner, through conclusory statements, asserts obviousness, the Examiner has not provided any articulatable reason found in the applied art why one ordinarily skilled in the art would combine the art of record in the manner asserted. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Finally, Applicant submits that dependent claims 18 and 19 are allowable at least for the reason that these claims depend from an allowable base claim and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS '588 and MOLINS '239 discloses or suggests, in combination: that the drum includes an element for aligning the filter elements as recited in claim 18; and that the device further comprises a mechanism for aligning the filter elements on the drum as recited in claim 19.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

Over Kruse, Edwards and Molins with Heitmann

Applicant respectfully traverses the rejection of claim 25 under 35 U.S.C. § 103(a) as unpatentable over KRUSE, EDWARDS and MOLINS and further in view of US Patent No. 3,827,757 to HEITMANN.

The Examiner acknowledged that KRUSE, EDWARDS and MOLINS lacks, among other things, the recited features of this claim. However, the Examiner asserted that the missing features are nevertheless taught in HEITMANN, and that it would have been obvious to modify KRUSE, EDWARDS and MOLINS to include the missing features allegedly disclosed in HEITMANN. Applicant respectfully traverses this rejection.

Notwithstanding the Office Action assertions as to what each of these documents disclose or suggest, Applicant submits that no proper combination of these documents disclose or suggest: inter alia, a guide bearing and a channel structured and arranged to convey the filter elements in a lengthwise axial direction, the lengthwise axial direction being defined as a direction along an axis of the filter element, a rotatable drum comprising at least one seat for receiving a filter element conveyed to the drum via the guide bearing and the channel, the filter element being oriented in a lengthwise axial manner with respect to a conveying direction of the filter element, and a detection device that controls a rotation of the drum and detects when an end of the filter element has passed the detection device as the filter element is conveyed into the drum, as recited in amended independent claim 1.

As explained above, KRUSE does not disclose or suggest the recited features. The Examiner asserts that KRUSE teaches drums 5001 and 5002 having seats and a conveying device 5023 which conveys cigarettes stubs to a filter element magazine. This

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is both incorrect and beside the point. First, the Examiner is not correct that members 5001 and 5002 in HRUSE are drums. KRUSE describes member 5001 as a machine and not a drum. Instead, element 5003 in KRUSE is described as a drum (see col. 19, lines 35-37). Second, the so-called conveying device 5023 is merely disclosed as being a conveyor belt which transfers the elements 5022 to a magazine 5004 in a crosswise axial manner (see col. 19m lines 53-57). In contrast, the claims recite that the filter elements are conveyed in a lengthwise axial manner to the drum.

EDWARDS does not cure the deficiencies of KRUSE and also does not disclose or suggest the recited features. The Examiner asserts that EDWARDS teaches a conveying device 5 which feeds cigarettes stubs in a lengthwise axial manner via transfer device 6 to an assembly drum 7. This is both incorrect and beside the point. While it is true that the belt 5 moves the stubs S in a lengthwise axial direction, EDWARDS teaches to do so only to the transfer device 6 and not to the drum 7. This is clear from Fig. 1. This distinction is not without a difference. As is a result of this arrangement, the transfer device 6 moves the stubs S in a crosswise axial direction to the drum 7 and not in a lengthwise axial direction. Thus, EDWARDS, like KRUSE, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

MOLINS does not cure the deficiencies of KRUSE and EDWARDS, and also does not disclose or suggest the recited features. MOLINS teaches devices which feed filter elements from a hopper 50 to one or more drums 14 in a crosswise axial manner and then to a stub assembler 10 using a guide means 16. Thus, MOLINS, like KRUSE and

EDWARDS, also cannot be read to disclose or suggest that the filter elements are conveyed in a lengthwise axial manner to the drum.

HEITMANN '757 does not cure the above-noted deficiencies of KRUSE, EDWARDS and MOLINS. While Applicant acknowledges that Figs. 1-4 of HEITMANN '757 shows a device which feeds rod-shaped articles 3 from a supply 7 to a drum 1 and then from the drum 1 using a conveyor tube 14, the Examiner has not explained how HEITMANN '757 can be read to disclose or suggest a detection device that controls a rotation of the drum and detects the filter elements in combination with the filter elements being conveyed in a lengthwise axial manner to the drum.

Thus, Applicant submits that the above-noted documents fail to disclose or suggest the features recited in at least amended independent claim 1. Because KRUSE, EDWARDS, MOLINS and HEITMANN each fails to disclose or suggest at least the above-noted features of the instant invention, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS and HEITMANN can render unpatentable the combination of features recited in at least independent claim 1.

Furthermore, Applicant also submits that the applied art fails to set forth sufficient instructions for one ordinarily skill in the art to modify KRUSE in view of EDWARDS, MOLINS and HEITMANN in any manner which would render obvious Applicant's invention. While the Examiner, through conclusory statements, asserts obviousness, the Examiner has not provided any articulatable reason found in the applied art why one ordinarily skilled in the art would combine the art of record in the manner asserted. Therefore, Applicant submits that the invention as recited in at least independent claim 1 is not rendered

obvious by any reasonable inspection and interpretation of the disclosure of the applied references.

Finally, Applicant submits that dependent claim 25 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional features that further define the present invention. In particular, Applicant submits that no proper combination of KRUSE, EDWARDS, MOLINS and HEITMANN discloses or suggests, in combination: that the plurality of devices are arranged one below the other relative to a horizontal axis running through at least one of the plurality of devices as recited in claim 25.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the above-noted rejection under 35 U.S.C. § 103(a) and indicate that these claims are allowable over the applied art of record.

### CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicant's invention, as recited in each of the pending claims. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no



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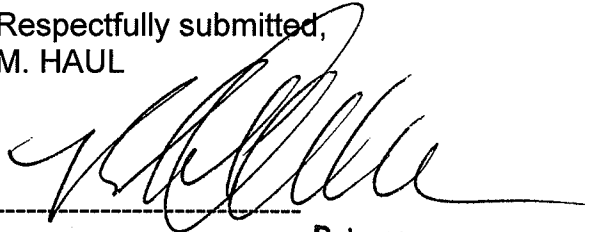
estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

The Commissioner is hereby authorized to refund excess payments and charge any additional fee necessary to have this paper entered to Deposit Account No. 19-0089.

Should the Examiner have any further comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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